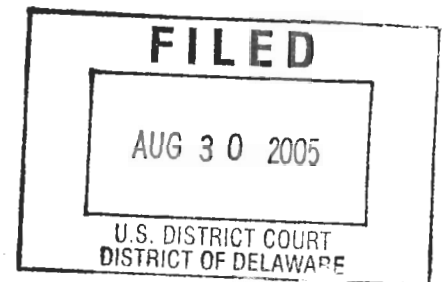


GERRON LINDSEY,  
plaintiff,

C.A. NO. 04-1383-SLR

v.

LT. RISPOLI, C/O MOORE,  
C/O GONZALEZ, SGT. CARPENTER,  
C/O MANNO, C/O TERRY, and  
NURSE BRENDA,  
Defendants.



MOTION TO DISMISS ILLEGALLY SEIZED EVIDENCE

COMES NOW the Plaintiff Gerron Lindsey, pro-se, and respectfully move this Honorable Court to enter a order that will dismiss illegally seized evidence.

1. The United States Constitution fourth Amendment Signafies:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.


2. On June 14, 2005 Several items were removed from the Plaintiff's living Quaters and Soon after, the Plaintiff Contacted Deputy Attorney General, Eileen Kelly advising this counselor that personal and legal mail had been removed by Sergeant Joseph Belanger. The counselor responded advising me that she had Sergeant Belanger to search my cell because I made a suicide threat and she wanted to make sure I had no items which I could harm myself with. Also this counselor stated in her responding letter that Sergeant Belanger

did not remove any legal mail only one letter which she stated was dealing with a separate investigation. The counselor also stated that she did not have any of the items that I told her was seized. (Please review letter from Deputy Attorney General, Eileen Kelly, attached with a recent motion filed by the Plaintiff requesting a transfer).

3. On August 16, 2005 Deputy Attorney General, Eileen Kelly, was taking a oral deposition of the plaintiff. During the course of the deposition this counselor start stating information out of one of the letters that were seized out of the plaintiff's living quarters. (Please see deposition transcripts) Not only did this counselor falsify a letter that she wrote to me but she is also bringing in information that she obtained from a illegally seized letter. This counselor clearly stated in her respond letter that she was not in possession of any of the items that were seized however, the deposition totally refutes what is written in her responding letter. It's obvious that this counsel had a goal to secure some of my belongings to use as evidence to possibly strengthen her case. However, no warrant was issued to seize those things so according to the United States cons. fourth Amendment those things are not legal and cannot be used as evidence in this case.

4. As a result this Honorable Court should dismiss those illegally seized evidence and not allow them in this case.

Respectfully Submitted,

  
GIERRON LINDSEY

IM GERRON LINDSEY  
SBI# 326202 UNIT 540-19  
DELAWARE CORRECTIONAL CENTER  
1181 PADDOCK ROAD  
SMYRNA, DELAWARE 19977



Judge Sue L. Robinson  
United States District Court  
844 North King Street  
Wilmington, Delaware  
19801

U.S.M.S.  
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LEGAL MAIL

LEGAL MAIL